

SANCTUARY ADVISORY COUNCIL

Tuesday, March 6, 2001

10:00 a.m. - 3:00 p.m.

Honolulu International Airport

Interisland Conference Center, 7th Floor

Final Meeting Minutes

Attendance

SAC Members Present: Hannah Bernard, Athline Clark, James Coon, Bill Friedl, Eric Gilman, Walter Haas, Isaac Harp, June Harrigan, Lou Herman, Cindy Knapman, Jack Laufer, Teri Leicher, Bill Lennan, Naomi McIntosh, Patty Miller, Dick Poirier, Paul Nachtigall, Glenn Soma, Robert Smith, Mike Stanton, Jeff Walters.

SAC Alternates Present: Carl Berg, David Hoffman, Reginald White.

Excused: Sallie Beavers, Elizabeth Corbin, Charles Maxwell, Carrie Robertson, Glenn Soma, Mike Tosatto.

Absent: Margaret Dupree

Others Present:

HIHWNMS: Claire Cappelle, Kellie Cheung, Jean Souza

STATE OF HAWAII: Liza Simon

NWHI Reserve: Aulani Wilhelm

PUBLIC: Gerard Nihous (PICHTR), Tim Sprowls (Science & Technology International), Rob Wilder (Pacific Whale Foundation).

Distributed Materials

- Meeting Agenda
- SAC Final Meeting Minutes (11/17/00)
- Acting Manager Report
- State Co-Manager Report

- Conservation Committee Report
- Proposed C02 Resolution
- O`ahu Event Reports
- 2001 Sanctuary Calendar of Events (through May 2001)
- SAC Charter Revisions
- NMS Science Plan
- Management Plan Strategy List and Template
- Updated SAC Directory

Welcoming Remarks

SAC Chair Hannah Bernard called the meeting to order at 10:10 a.m. Ms. Bernard welcomed everyone and called for an approval of minutes from the meeting held on November 17, 2000. Minutes were approved unanimously.

SAC Chair Report

Ms. Bernard discussed the National SAC Chairs and Coordinators Workshop she attended with Kellie Cheung in Monterey, CA. She indicated that the workshop was very productive and Ms. Cheung distributed a report (see Attachment 1) on the meeting.

Acting Sanctuary Manager Report

Naomi McIntosh prepared a written report on the Hawai`i sanctuary's activities to date, which was e-mailed to the SAC prior to the meeting. She indicated that a few revisions were made to the report and distributed an updated copy of the report to the SAC (see Attachment 2). She noted some of the highlights from her report and announced that Daniel Basta was selected as the official director of the National Marine Sanctuary System (NMSS). She also briefly discussed a small oil spill which occurred on January 28, 2001, the Navy's ordnance detonation on Kaho`olawe and the submarine collision on February 29, 2001.

Ms. McIntosh noted that her report identifies a number of education and outreach activities that the sanctuary has been involved in. In relation to this, Bill Lennan suggested that the sanctuary print special t-shirts for SAC members to wear at public events for more visibility and to identify the wearer as a SAC member.

The SAC briefly discussed the C02 Ocean Sequestration Experiment and Mike Stanton indicated that the project has been receiving significant adverse public reaction in Kona.

He also noted that the Natural Energy Laboratory in Keahole has since withdrawn its permission for the experiment to take place off their property. Jeff Walters stated that this withdrawal does not necessarily mean the project will go away as the experiment may simply move out past the state's 3-mile boundary.

State Co-Manager Report

Jeff Walters drafted a report on State activities, which was e-mailed to the SAC prior to the meeting (see Attachment 3). Dr. Walters updated the SAC on the beached humpback whale calf in Punalu'u, O`ahu on March 5th. He noted that the stranding response was a good show of the federal and state partnership in effect. Lou Herman requested that his lab be notified in the future so someone can go out to sex the animal and take fluke identification photographs. He also indicated that this is the second calf stranding in the area.

Dr. Walters reminded the SAC that the National Marine Fisheries Service (NMFS) is the lead agency in such matters. Other SAC members stressed the need to get the word out that the public cannot get into the water with stranded or distressed marine mammals. Athline Clark also noted that resource managers have been frustrated with the lack of coordination with the marine mammal stranding network.

MOTION: Jim Coon moved that Dr. Herman draft a resolution on this issue and submit it to the SAC for review. Motion passed.

Education Subcommittee Report

In Patty Miller's morning absence from the meeting, Ms. McIntosh announced that Ms. Miller contacted her subcommittee prior to the meeting to let them know the status of the subcommittee and what the next steps would be.

Conservation Subcommittee Report

Eric Gilman prepared a report (see Attachment 4) on subcommittee activities which was e-mailed to the SAC prior to the meeting. Mr. Gilman touched on the six items in his report which were deferred to New Business for further discussion. Isaac Harp also provided revisions to Mr. Gilman's draft resolution on the C02 project, which was moved for discussion under New Business.

In response to the discussion on the C02 project, Ms. Bernard allowed a 5-minute public comment period to address the issue. Rob Wilder of the Pacific Whale Foundation took advantage of the opportunity to address the SAC, indicating that there has been much public opposition to the project. He stated that the C02 will eventually return to the air and will not remain sequestered in the ocean. He further suggested that there is no purpose for this project in Hawai'i, especially near sanctuary waters and that the only purpose of the experiment is to mitigate global warming, which must be done in huge amounts. Dr. Wilder remarked that this method is cheaper than others to alleviate or counter the use of alternative fuels. He cited evidence that large amounts of C02 have caused deaths in Cameroon and the question is when it will eventually leak and at what rate. June Harrigan reminded the SAC that while public opinion is strongly against the experiment, the state has legal constraints that may keep the SAC or others from totally preventing the project from happening.

ACTION: Mr. Gilman referred to item number 6 in his report regarding the historical abundance of humpback whales. Ms. Bernard forwarded the issue to the Research Subcommittee for further discussion.

ACTION: With regard to the Sanctuary Regulations Review section of Mr. Gilman's report, Dr. Harrigan requested that more information be provided on the regulations that the group is considering revisions to. Dr. Harrigan noted that she will discuss the issue in greater detail with Mr. Gilman at a later time.

Research Subcommittee Report

Paul Nachtigall announced that the sanctuary invited him to attend a science planning workshop in Washington, DC this past January. He noted that he had an opportunity to meet with the people involved in putting sanctuary science plans together. Dr. Nachtigall provided background information on NMSS Science Plans (see Attachment 5) and indicated that a report on the workshop will be sent from headquarters shortly. Some of the issues identified at the workshop included: habitat delineation, zoning, fishing harvest effects, water quality, assessment of living resources, etc. Dr. Nachtigall remarked that many of the other sanctuaries have a broader scope of resource coverage so the focus and approach is different for us.

Dr. Nachtigall noted that the Research Subcommittee held a meeting earlier in the morning where they discussed the possibility of bringing on a sanctuary research coordinator. The group also followed up on what conservation group discussed regarding

thrillcraft effects on whales and shipstrikes. The following research issues/needs were identified as a result:

1. Measures to avoid whales
2. Broadcasting sounds to deter whales
3. Using scout boats to locate whales
4. Detection measures for whales (sonar, sensors, etc)
5. Rate of collisions
6. Tracking whales with tags
7. Checking with other programs (ie right whales) to see what is being done
8. Holding workshops
9. Studying the whale's awareness of boats

Dr. Nachtigall stressed the need to select a vice chair for the Research Subcommittee and announced that Bill Friedl has volunteered to do so.

Maui County Report

Ms. Bernard asked Sanctuary Liaison Claire Cappelle to update the SAC on Maui events. Ms. Cappelle announced that the sanctuary education center has received a lot of visitors this whale season even though they have not advertised their new Saturday schedule. She also mentioned the success of the Sanctuary Lecture Series and the recent lectures that were held in Kona. Sallie Beavers and the Marine Mammal Consortium assisted in holding the Kona lectures. Other activities included the annual WhaleFest in Lahaina and the beach cleanup with Jean Michel Cousteau.

Honolulu County Report

Bill Friedl announced that event reports for sanctuary activities on O`ahu are on the table for distribution.

Kaua`i County Report

Walter Haas discussed the recent events for the Kaua`i sanctuary office. The Ocean User's Workshops in Lihu'e (in December) received a good turnout, establishing dialog between speakers and the audience. In January, Dr. Haas and Jean Souza were guests on a one-hour public radio talk show about whales and the sanctuary. The show was hosted by biologists Don Heacock and Adam Asquith. The Kaua`i sanctuary also participated in

the annual Sanctuary Ocean Count in February. Dr. Haas indicated that about 90 people volunteered to participate on Kaua`i this year, and almost all attended the training session and whale lecture held at the new Lihu`e office.

The sanctuary's big upcoming event on Kaua`i is the 4th Annual Family Ocean Fair on Saturday, March 24th at Kīlauea Point. Last year's event attracted over 3000 residents and visitors. This year, a variety of exhibits will be offered including exhibits, activity booths, entertainment and an educators' workshop. Dr. Haas will also be hosting a lecture series at the fair.

The new Kaua`i sanctuary office opened at the beginning of the year in the Kukui Grove Executive Center in Lihu`e. It is a publicly accessible office with a meeting area for training, small lectures and displays.

Hawai`i County Report

Jeff Walters remarked that the Sanctuary Ocean Count was a big success on the Big Island with 80 whale sightings around the island. Kohala coast saw the most whales (15 individuals). Dr. Walters noted that Mike Stanton and Sallie Beavers both participated in the Count.

STI Presentation

Tim Sprowls of Science and Technology International (STI) updated the SAC on their participation in the Sanctuary Ocean Count. STI conducted an aerial survey assessment of O`ahu's north shore. Although STI's primary focus is on federal defense contracts, the Navy requested that they get involved with the Ocean Count to find alternative uses for their technology.

For the count, STI used a hyperspectral imaging system which was mounted on the underside of an aircraft. Photos are taken using this technology and the presence of any underwater objects show up as a white image on a dark background. Mr. Sprowls showed the SAC some of the raw and processed images of whales taken during the count. He further indicated that the best use of this technology is to concentrate in one area rather than do passes around the whole island. He noted that this is just one example of what can be done with the technology and indicated that STI anticipates doing it again next year.

NWHI Presentation

Ms. Bernard introduced Robert Smith, manager of the Northwestern Hawaiian Islands Coral Reef Reserve. Mr. Smith is formerly of the Department of the Interior/Fish and Wildlife Service. He stated that they currently have a staff of two and do not expect to grow larger than ten. He expressed thanks to all involved in the designation of the HIHWNMS, noting that it has helped pave the way for the leeward islands project.

Aulani Wilhelm of NWHI introduced herself and remarked that she is “on loan” from DLNR at the moment. She stated that they are in the process of becoming a sanctuary and still deciding on whether state waters will be included.

Mr. Smith and Ms. Wilhelm presented a slide show on the NWHI region and remarked that the area has a diverse assemblage of marine life as well as significant Hawaiian cultural resources. He further emphasized that NWHI and HIHWNMS is one big ecosystem and they are pleased to be joining an already established sanctuary.

ACTION: Carl Berg requested more information on the NWHI Reserve’s council members.

New Business

Proposed Resolution Supporting NWHI:

Bill Lennan moved to approve the resolution. The SAC discussed wording of the resolution and decided to send it back to the Conservation Subcommittee for revisions. Motion withdrawn.

ACTION: Ms. Bernard requested that the subcommittee provide a draft of the resolution to the SAC prior to the May meeting.

Proposed Resolution on the C02 Sequestration Experiment:

Gerard Nihous of PICHTR stated that the final environmental assessment is presently in the hands of the secretary for review. He noted that since NELHA has withdrawn its permission to allow the project on its property, they now have an opportunity to relocate it. Dr. Nihous suggested that there may be advantages to this and stressed that despite public reaction, they have not heard any strong scientific evidence against the project.

Lou Herman brought up the comment that CO₂ will not remain in the ocean and will rise to the surface. Dr. Nihous responded that studies indicate that CO₂ will indeed be confined and will not go to the surface. Models show that CO₂ will be confined at 2600 foot depths and will not rise more than 1000 feet above the release point. He stressed that counter arguments are not accurate and noted that each person in Hawai'i emits approximately 15 tons of CO₂ per year due to cars, planes, electricity, etc.

Carl Berg asked where the project is looking to relocate. Dr. Nihous responded that they don't know yet. Criteria for relocation is contingent on finding depths of 3000 feet. They are considering doing it from a platform at sea.

June Harrigan asked whether a cost analysis has been done on running the CO₂ project on a large scale basis vs. looking for alternate methods. Dr. Nihous indicated that the Department of Energy is currently focusing on other types of sequestration such as trees, aquifers, etc rather than ocean sequestration. He emphasized that before we can judge the impacts of this project, we should look at the impacts that other things have on the environment. He noted that CO₂ has much more minimal impacts than other gases such as methane. In addition, we should question how sea level changes will affect the resources – will it be worse than CO₂ impacts?

Paul Nachtigall stressed that this is an experiment and not something that is seen as a solution at this time. Isaac Harp acknowledged this but noted that there is no baseline data to compare it to and no peer reviews being conducted.

ACTION: Dick Poirier suggested that Dr. Nihous look at the proposed resolution and provide comments on each item. This will help the SAC make a better determination on the project. Dr. Nihous agreed to provide comments.

MOTION: Bill Lennan moved that the SAC wait to receive comments from Dr. Nihous on the resolution, wait for the release of the final EA, and wait until the final location has been selected before approving the resolution. Motion approved.

MOTION: Isaac Harp moved that a special meeting be called to discuss if necessary. Motion carried.

Officer Elections:

Ms. McIntosh announced that officer terms are up in March 2001. Nominations for new officers will be collected through e-mail and candidates can provide their position statements to the sanctuary office for distribution to the SAC. Elections will be held at the May SAC meeting. Current officers will preside over that meeting and newly elected officials will start at the following meeting in July.

Note: After solicitation of comments on the draft minutes, Dick Poirier remarked that the election of new officers must take place as the first item on the May agenda if the SAC is not to be in violation of the Charter and Roberts Rules of Order.

Protocol and Member Conduct:

Ms. Bernard suggested that two public forum periods be held at SAC meetings – one in the morning and one in the afternoon. This will enable members of the public to provide comments without having to sit through the entire meeting. Some members expressed concern about devoting so much time to public comment.

MOTION: Patty Miller moved that we allow the two comment periods as a trial to see how it works. Motion carried.

SAC Charter Revision:

Copies of the proposed changes to the SAC Charter was distributed to the SAC. Ms. McIntosh indicated that these are technical changes.

ACTION: Dick Poirier suggested that a SAC Charter Subcommittee be formed to look at these changes. Members include: Isaac Harp, Paul Nachtigall and Dick Poirier. Mr. Poirier will serve as Chair.

ACTION: Kellie Cheung to send an e-mail to all SAC members asking if they would like to participate in the subcommittee.

Miscellaneous:

ACTION: Dr. Walters expressed an interest in drafting a letter of recognition for those involved in the whale stranding incident in Punaluçu.

ACTION: Ms. Bernard requested an update on the Navy's policy on ordnance detonation. Ms. McIntosh volunteered to obtain information and distribute it to the Conservation Subcommittee.

Annual Operating Plan (AOP) Update

Ms. McIntosh announced that the Hawai'i sanctuary received a slight budget increase this year. Essentially, however, the budget has been level funded with additional provisions for a vessel. She noted that conservation issues did not fall within the "top three" priorities in this year's AOP, but she recognized that the subcommittee has been very productive in bringing conservation issues forward for discussion and action. She indicated that the sanctuary may hold a workshop on vessel impacts next year. The management plan review is the number one priority right now. The sanctuary is looking to hire a research coordinator this year and will try to get this person on board right away. She noted that the coordinator would probably come in at a GS-11.

MOTION: Jim Coon proposed a motion to send a resolution to the sanctuary stating that the SAC would prefer to see the money go solely to research rather than use it to hire a coordinator. Motion failed.

Management Plan Review

Ms. McIntosh distributed a Management Plan Strategy Template for the SAC to develop activities for implementing strategies on various goals and objectives. Although there was no time to work on the template, Ms. McIntosh requested members to work on it individually and submit suggestions to the sanctuary.

ACTION: The Management Plan Review subcommittee will do further work on the template.

With no further business, the meeting was adjourned at 3:25 p.m. **The next SAC meeting will be held at the Lihu'e Public Library in Lihu'e, Kaua'i on Friday, May 11, 2001 (Please note that the originally scheduled meeting date has been changed from May 10th to May 11th to accommodate a presentation by Sharon Christopherson). The meeting will start at 10:00 a.m.**

ATTACHMENT 1

SAC Chairs/Coordinators Meeting

January 31 - February 2, 2001

Monterey Beach Hotel

Monterey, CA

MEETING REPORT

Attendance:

Dan Basta, NMSS HQ
Hannah Bernard, HIHWNMS Chair
Karen Brubeck, TBNMS Coordinator
Kellie Cheung, HIHWNMS Coordinator
June Cradick, FKNMS Coordinator
Tom Culliton, Facilitator, NOAA/SPO
Bill Douros, MBNMS Superintendent
Tim Goodspeed, Facilitator, NOAA/SPO
Stephanie Harlan, MBNMS Chair
Debra Harrison, Presenter, World Wildlife Fund, Florida Keys
Jim Henry, GRNMS Chair
Jennifer Lukens, NMSS HQ
Craig MacDonald, SBNMS Superintendent
Dianne Meester, CINMS Chair
Elizabeth Moore, NMSS HQ
Mike Murray, CINMS Coordinator
George Neugent, FKNMS Chair
Andy Palmer, OCNMS Coordinator
Deborah Pardike, TBNMS Vice Chair
Brady Phillips, MBNMS Coordinator
Lisa Randlette, OCNMS Chair
Becky Shortland, GRNMS Coordinator
Robert Smith, NWHI Manager

Jennifer Stock, CBNMS
Kate Van Dine, SBNMS Coordinator
Aulani Wilhelm, NWHI
Paul Wong, GFNMS

Purpose

The purpose of the meeting was to bring the chairs and coordinators from all the SACs together to establish lines of communication between the sites. Chairs would get a general overview of the councils, how they have evolved, what their role is in the larger NOAA picture, what the national policies and operational procedures are, and hear about other sites' accomplishments and challenges.

Agenda items included a national overview of SACs, an address by Dan Basta, a 10-minute presentation by each chair on their SAC, a facilitated discussion and identification of issues/problems at each site (and how to resolve them), and a discussion on the NAPA Report Presentation (has the NMSS addressed all of the SAC-related recommendations in the report?).

National Update

All SACs range in size from 11-25 members (HI is the largest), some only have non-governmental members, all have subcommittees and/or working groups, and most meet on a monthly or bimonthly basis.

The most important roles and responsibilities of the SAC (as identified in last year's national workshop) are:

- Serve as liaisons between the sanctuary and its community
- Assist in identifying potential partners
- Help identify and resolve issues and conflicts
- Prepare annual work plans
- Hold an annual retreat for members and staff
- Review and provide input on plans/proposals
- Help support friends' groups
- Provide technical/background information on issues
- Validate the accuracy and quality of information used for decision-making

Future actions of the NMSS for Councils include:

- Finalizing the SAC Implementation Handbook
- Conducting annual or biannual meetings of coordinators and chairs
- Increasing the number of councils until all sanctuaries have one
- Continue to provide coordination and support from the national level

Identification and Discussion of Issues

The Chairs broke out to discuss their issues and concerns regarding *internal and external communications*. Issues identified were:

- Achieving and maintaining closure on decisions made by the SAC (ie, members won't go behind the scenes to change or discuss issues once a collective decision has been made)
- The provision of feedback from site managers to the SAC on decisions
- Having ground rules and protocols for SAC communications
- How to maximize the SAC's ability to reach/hear from the "outside"
- Protocol for who says what and when to whom
- External communication needs to capture/recognize the SAC's perspective
- How to stay in touch with site activities between meetings
- Clearly defined mission and protocol for SAC communicated to potential members
- Develop a flow diagram for communication to get stuff out more efficiently between the site and the SAC

With regard to *roles and responsibilities*, the issues were:

- How do you engage the SAC if there is a potential conflict of interest?
- Communications with the "Hill" (written and verbal)
- Keeping members focused on the big picture (that they are the bringing together of different voices to protect our natural resources)
- Does SAC have any recourse if they disagree with the Manager
- Interaction between and roles of SAC and working groups
- SAC role in NEPA process

Select issues were discussed by the group and collective solutions were identified. Other items that were discussed were the NAPA report recommendations that focused on the SAC (6 in all).

The next meeting for Chairs and Coordinators is scheduled for January 2002 in the Florida Keys.

ATTACHMENT 2

ACTING SANCTUARY MANAGER'S REPORT

Sanctuary Advisory Council

Tuesday, March 6, 2001

National Marine Sanctuary System News

- Amendments to the National Marine Sanctuaries Act 2000 now describe the nation's 13 marine sanctuaries as the National Marine Sanctuary System. Administratively, the 13 National Marine Sanctuary sites are managed by the Office of National Marine Sanctuary (ONMS).
- NMSS HQ sponsored two meetings. The SAC Chair's meeting in Monterey, CA was held January 29th through February 1st. Hannah Bernard and Kellie Cheung attended the SAC Chairs Meeting. The Research Coordinators meeting in Washington, DC was held January 30th through February 2nd. Paul Nachtigall and Claire Cappelle attend the Research Coordinators meeting.
- The NMSS has been affected by the personnel hiring freeze and the freeze on posting of federal register notices. This freeze has been placed on all federal offices by the new administration.
- On January 10, 2001, Daniel J. Basta was named the Director of the National Marine Sanctuary System. Dan served as acting Sanctuary Director for one year before being appointed as Director.

Sanctuary Administration News

- December 19th, held quarterly meeting with Hawai'i's Congressional Delegation to provide an update on the Sanctuary's Management Plan Review.
- January 23rd, the Sanctuary opened an office on Kaua'i. Kaua'i Sanctuary Liaison, Jean Souza has been overseeing Sanctuary efforts on Kaua'i from her home office for the past few years and is excited about the new opportunities the Kaua'i office will offer to the community.
- January 28th, Tesoro reports oil spill off O'ahu. The spill occurred at 7:17 a.m. on Sunday, January 28th. Approximately 15 bbls of Alaska North Slope Crude was

released a 1 to 1.5 miles offshore. During an aerial assessment of the spill a humpback whale was spotted in the vicinity. Permission was sought and the go ahead was given by NMFS to apply dispersant as long as the whale was not in the area. The use of the dispersants appears to have been successful in responding to the spill.

- January 29th, Navy issues a press release announcing plans to detonate 2000lb bomb on January 31st on land on the island of Kaho`olawe.
- February 9th Submarine/Fishing Vessel Collision. Fuel spill a potential threat to Sanctuary waters, specifically Penguin Bank area. Sanctuary worked with NOAA Hazmat who provided the USCG, Navy and NTSB weather forecasts and spill trajectories. Both Hazmat and the NOAA RRT (NMFS) made sure that the USCG was aware of the natural resource concerns of the Sanctuary--specifically potential impacts to Penguin Bank. Due to the drifting of the fuel, the main environmental concern was for the Penguin Banks area (known for its high density of humpback whales), located about 10 miles SE of the wreck site. The slick was monitored over the weekend but did not appear to pose a significant environmental threat. No whales were sighted in the area. Estimates of the fuel on board the Ehime Maru were later revised upward to 40000 gallons. On Saturday, February 10, helicopter reports and NOAA trajectories indicated that the slick was moving west, away from Penguin Banks and parallel to O`ahu. The slick was 8 miles long and 5 mile wide oriented in an E-W direction, with no landfall expected. Although fuel continued to leak, the recommendation from the NOAA RRT was to continue to monitor the fuel but not to engage in any type of cleanup efforts (such as using dispersants as diesel disperses quickly on its own). Safest option was to let the fuel evaporate on its own. However, this recommendation was dependent on weather trends. On Monday and Tuesday, February 12 and 13, overflights reported no sheen to be visible.
- February 16th, Sanctuary staff attended the first SAC meeting on the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve
- March 24 – 26, Acting Sanctuary Manager Naomi McIntosh will be attending a Leadership Team Meeting for Sanctuary Managers.
- March 27 - 29, Acting Sanctuary Manager Naomi McIntosh and State Co-Manager Jeff Walters will travel to Washington, DC to attend the annual Ocean and Coastal Program Managers' meeting. The theme of this years' meeting is "Sustainable Coasts and Oceans: Emerging Approaches to Managing Coastal Resource".

Management Plan Review

- December 6 – 8. Jennifer Lukens visited from Washington DC to assist the Hawai`i Sanctuary staff with efforts for the 5 year review. The staff worked to develop Problem and Outcome statements in relation to the Sanctuary's goals and objectives.
- February 7 – 8. Liz Moore visited from Washington DC to assist the Hawai`i Sanctuary staff, members of the Management Plan Review Subcommittee, and the Chairs of the Education and Research committee with brainstorming strategies for select Problem and Outcome statements.

Education and Outreach Activities

- Monthly lectures offered at the Maui Sanctuary Education Center (see Sanctuary calendar for latest listings and dates)
- December 5 – 14. Ocean User workshops were held on Kaua`i, Maui, O`ahu and the Big Island. The workshops are coordinated by the Sanctuary in partnership with NMFS Enforcement, NMFS Pacific Island Area Office and the State Department of Land Natural Resources. All events were well attended.
- December 2000, The Sanctuary's Maui Office in Kihei records a new record of 400 visitors during the month of December.
- January 13th, the Sanctuary set up a booth at the 2nd annual Hawai`i Fisheries/Ocean Users Forum, Ala Moana Hotel, Honolulu, HI.
- January 16th, Staff members from the Senate and House Appropriations committee visited Hawai`i and participated in a Sanctuary whale watch on Maui.
- February 2001, Sanctuary sponsors free lectures on the Big Island.
- February 7th, Maui Sanctuary office hosts evening reception for the Pew Oceans Commission
- February 17th, Maui Sanctuary office participates in Pacific Whale Foundations annual Whale Day.
- February 18th, Sanctuary Splashfest at Sea Life Park, kickoff event for the Sanctuary Awareness Week and Sanctuary Ocean Count.
- February 22nd, the Sanctuary co-sponsored with KidScience and the USCG a student education day on the water on the Coast Guard Cutter KUKUI. 150 students participated and took part in activities that included a tour of the ship and an overview of Coast Guard ship operations, a demonstration of a helicopter/ocean rescue, whale watching and a humpback whale/sanctuary session provided by sanctuary staff.
- February 24th, 9:00 a.m. to 12 noon on O`ahu, Big Island, and Kaua`i. Sanctuary staff with assistance from State Sanctuary officials held the 5th Annual Sanctuary Ocean Count. Over 1000 volunteers signed up to participate in this years' count.

Preliminary tallies indicate over 200 sightings on O`ahu, 158 whale sightings on Kaua`i and approximately 80 sightings on the Big Island. Contributors included Oceanwide Science Institute, Hawai`i Natural Heritage Program and Science and Technology International (STI). STI participated for the first time in the Sanctuary Ocean Count utilizing hyperspectral imaging from an airplane to monitor humpback whales within the shoreline areas of the north shore of O`ahu. 24 whales were seen by STI during the count. Volunteers monitoring Sanctuary Ocean Count sites from the shoreline areas within the same area recorded 23 whales.

- February 24th, Maui Sanctuary office participates in Pacific Whale Foundation's Great Whale Count.
- February 27th – March 4th, Maui Sanctuary office participates in various activities for the Lahaina WhaleFest, including co-sponsoring a Marine Debris Beach cleanup with Jean Michel Cousteau, and setting up display in the old Lahaina courthouse.
- March 1st, the Sanctuary participated in the Hawai`i Maritime Industry Day, sponsored by the Coast Guard and other Maritime Industries. Marc Lammers, Ph.D. Candidate, University of Hawai`i, Department of presented information on recent findings on interactions of ferryboats and humpback whales. His study was conducted along the west shore of O`ahu.

ATTACHMENT 3

April 13, 2001

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager

Subject: Update from the Sanctuary Co-Manager for the period November 18, 2000 through March 6, 2001.

5-Year Sanctuary Management Plan Review

Since the last update, Liza Simon (our Public Outreach Coordinator) and I have participated in several meetings regarding the review and revision of the Sanctuary Management Plan, which is being conducted as part of the Sanctuary “reauthorization” process scheduled to be completed by June 2002. In developing the process and initial products, we have been greatly assisted by staff from NOAA headquarters. The Governor was recently briefed on the proposed process and a letter from the Governor to NOAA Undersecretary D. James Baker expressing the State’s general support for the proposed process is attached.

State Scientific Research Permits

Nine State permits for humpback whale research have been issued for this “whale season.” These research permits and those issued by the National Marine Fisheries Service (NMFS) were discussed at a meeting held on Maui by NMFS Enforcement Officer, Victor Honda and several DLNR-DOCARE officers on Maui on January 10, 2001. Considering initial reports, research has been progressing well for most of the permittees.

Research Funding

As indicated in a January email message to all SAC members, three research projects have been selected for Sanctuary funding this fiscal year:

- “Abundance Estimate of Humpback Whales in Hawaii,” to be conducted by the Dolphin Institute and Marine Mammal Research Consultants, with Drs. Lou Herman, Adam Pack, Joe Mobley, and Scott Spitz serving as principal investigators. This project will survey all available literature on humpback whale abundance and residence times, produce a seven-year time series of humpback whale abundance using data from 1993 – 2000, transfer all data to a GIS dataset, and analyze fluke identification data to estimate minimum residence times by age and sex class. All of this work will be presented in a final report and GIS dataset.
- 9) “Sub-Surface Behavior of Humpback Whales in Hawai`i,” to be conducted by West Coast Whale Research Foundation, with Dr. Jim Darling and Meagan Jones serving as principal investigators. This project will analyze existing literature and other information, including underwater photography, to produce a comprehensive report on the underwater behavior of humpback whales, including singing, mating, calving and deep-water activities.
- 10) “Feasibility of using Acoustic DIFAR Technology to Localize and Estimate Hawaiian Humpback Whale Population,” to be conducted by the UH Marine Mammal Research Program, with Dr. Whitlow Au serving as principal investigator. This project will explore the feasibility of using directional frequency and recording (DIFAR) sonobouys to obtain geographic coordinates of vocalizing humpbacks and thereby estimate their spatial distribution and abundance.

We received 12 proposals in response to the RFP distributed in late September. All of the proposals were excellent, and we sincerely appreciate all the effort everyone put into preparing the proposals. Selecting only three projects to fund was quite difficult, but we felt that the projects listed above best met our selection criteria, i.e., scientific merit; relevance to sanctuary research needs as specified in the RFP and Sanctuary Management Plan; relevance to NMFS needs; past performance/competence; cost effectiveness; and linkage to existing and/or planned studies and/or organizations. I will do my best to keep the SAC informed of the progress of these three important research activities as they are conducted over the next few months.

Workshops on Marine Protected Species (also known as “Ocean Users’ Workshops” and “Enforcement Workshops.”)

Sanctuary staff, in collaboration with DLNR and NMFS personnel, held four workshops, one each on Kaua`i (12/5/00), O`ahu (12/12/00), Maui (12/7/00), and the Big Island (12/14/00). The workshops were designed to raise public awareness of the Sanctuary and

to inform the public on federal and state laws pertaining to marine protected species. The workshops put special emphasis on the laws and appropriate activities related to humpback whales. At each of the workshops, I presented an overview of the State's interests in the Sanctuary and referred to State marine wildlife protection laws and regulations. DLNR-DOCARE Officer Brooks Tamaye accompanied me during the meeting held on Maui. Handbooks were distributed at each of the meetings. The handbook was recently revised to include excerpts from the State wildlife law and State enforcement contact information.

SAC Conservation Subcommittee Meetings via Video Conference

On Wednesday, December 13, 2000, the SAC Conservation Subcommittee held a meeting using the State's videoconference facilities. Since this was our first opportunity to use the facilities, there were a few initial technical difficulties. Nevertheless, I believe the group managed to have a relatively productive meeting. A second (and, in my view, even more productive) Conservation Subcommittee meeting was held via videoconference on February 20, 2001. (Reports from these meetings should be available from Chairperson Eric Gilman and/or Kellie Cheung). I invite the rest of the SAC and its subcommittees to consider using the videoconference facilities. I am currently in discussion with the Information and Communication Services Division regarding the use of a "remote" site somewhere on the Kona coast, so that folks on that side of the Big Island won't have to drive all the way to Hilo to participate.

Annual Operating Plan and Budget for FY 01

Over the past several months, I have been invited to join federal Sanctuary staff in numerous meetings and conference calls where the Sanctuary's proposed annual operating plan and budget for fiscal year 2001 were developed. This turned out to be a rather time-consuming process (especially for some of the federal staff) as headquarters repeatedly made changes in the plan's format up to the last few days before the submission deadline. If there are any questions regarding State funding and projects after Naomi provides the SAC with an overview, I will be happy to attempt to address them.

Sanctuary Ocean Count and Sanctuary Awareness Week

Liza Simon and I were active in the Sanctuary Ocean Count this year. Liza helped with all the media coverage (see section on public outreach and education below) and event staffing, and I coordinated the count on the Big Island. We had approximately 85 volunteers counting whales at 20 sites on the Big Island this year. Initial analysis of the data indicates that we saw approximately 80 individual adult humpbacks and 10 calves during the 3-hour count period.

Public Education and Outreach

Since November, our Public Outreach Coordinator, Liza Simon, has focused on long and short-term projects involving both internal and external communication. The following describes major undertakings and related results:

In the last week of November, Liza was tasked to produce the first draft of the State of the Sanctuary Report drawing on notes from staff meetings, the SAC evaluation and additional interviews and research. The purpose of the document is to assess the sanctuary's performance in meeting nine specific criteria set forth in the management plan. The final report is to be published in booklet form and made available to the public as an informational tool; it will also be submitted to legislators and policy-makers during the re-authorization process as an assessment of sanctuary accomplishments. Liza completed a draft of the report in January. NOAA reviewed the draft in February and requested revisions, intended to make the final product more accessible to a general audience. She then developed a plan for the revised document and has begun research relevant to the plan, including the interviewing of several SAC members.

Much of Liza's energy has been invested in the drafting of copy for two outreach products intended to promote public benefits of the sanctuary and its programs. She has collaborated with two other staff members in drafting copy for a general site brochure. Liza also collaborated with the Maui Liaison to finalize copy and design of a Maui site brochure. The final product was reviewed by staff and SAC members and was sent to printer for production. Liza also produced and distributed a flier about the Maui site and a revised sanctuary press kit.

Liza has been involved in the promotion of the Sanctuary Lecture Series, helping to garner advance publicity by interviewing presenters and writing and issuing press releases on specific lectures. Liza also revised copy for a Sanctuary Lecture Series flier.

Liza has also focused intensively on the promotion of the Sanctuary Ocean Count. Releases issued by Liza include the following: two advance general descriptions, volunteer recruitment, radio copy promotion, media advisory, media packet, and follow-up press release. In addition, video and photos were gathered and distributed with the press material to the appropriate media outlets. Liza sent out e-mail notes and made follow-up phone calls to media representatives to solicit coverage of the event. She also researched and wrote several feature articles on the ocean count for the website on the following topics: volunteerism and the count, data collection method, involvement of

teens from a military program, involvement of a hi-tech company. Liza also issued press releases and solicited media interest to promote several events, which were part of Sanctuary Awareness Week—leading up to the ocean count. These events included Education on the Ocean Day and Splashfest at Sea Life park. Liza participated in all the aforementioned events and is presently involved in developing feature articles for the website and NOAA newsletter publications.

Liza facilitated the final production and airing of a video on the sanctuary for an Hawaiian Airlines in-flight video program. Liza has sent out inquiries to other airlines including Delta and United to ascertain if there would be similar interest in airing a feature about the sanctuary on flights into the Hawaiian Islands.

Liza has also written and developed website stories on the following topics: Monthly profile of volunteer, Monthly profile of researcher, profile of whale-watch industry captain, profile of NMFS enforcement officer, ocean count

In the interest of developing partnerships within the community, Liza has met with representatives of the following organizations:

McNeil Wilson

Starr Seigle McCombs

The O`ahu Visitors Bureau

The Kaua`i Visitors Bureau

The Maui Visitors Bureau

The Hawai`i Hotel Association

The Hawai`i Visitors and Convention Bureau

National Marine Fisheries Laboratory

The Fellows Program

Liza has routinely sent out press releases and press kits to local and national media in the effort to garner positive media coverage for the sanctuary and sanctuary programs. The following is a preliminary listing of print and broadcast entities which have responded with stories or calendar items related to the sanctuary:

Name of Organization	Type of Coverage
KHNL	General story on whales in Hawai`i
KHON	General story on whales in Hawai`i
Pacific Business News	Economic alue of humpbacks

Honolulu Advertiser	Sanctuary's award of research grants
Makai Sea Grant newsletter	Sanctuary researchers and whale population
Honolulu Advertiser	Sanctuary partners for turtle rescue
Maui News	Sanctuary lectures
Maui Gold	Calendar listing of whale count
Maui Spotlight	Feature listing of maui headquarters
This Week Maui	Feature on whale watching in Hawai'i
Ocean and Industry	Calendar listing of ocean count
Hawai'i Parent Magazine	Feature on whale watching
Passages (Japanese publication)	Item on whales
Kokiko (Japanese publication)	Item on whales
Hawaii Magazine	Feature on humpbacks
Hana Hou (Hawaiian Airlines Magazine)	Item on Maui headquarters
Spirit (Aloha Airlines Magazine)	Item on Kaua'i sanctuary and whale count
101 Things To Do (Maui and Big Island)	Mention of sanctuary in whale story

The following TV stations provided feature coverage of ocean count:

KHON
KITV4
KGMB
KHNL

The following publications provided feature coverage of the ocean count:

Honolulu Advertiser
Star Bulletin
Maui News
Hawai'i Herald Tribune
West Hawai'i Today
Midweek

The Garden Island

Water Quality Monitoring

In a great example of Federal-State cooperation and coordination, 2 semi-permeable membrane devices (SPMD's) were deployed in Sanctuary waters off South Maui on February 7, 2001. SPMD's are devices that measure minute levels of hydrophobic organic compounds, such as PCB's, PAH's, and organochlorine pesticides, in the water column. They are relatively simple devices, basically a bag of oil held in a metal sleeve, that serve to mimic the bioaccumulation of hydrocarbons that occurs in the fatty tissue of living marine organisms. One SPMD was deployed near the mouth of Maçalaea Harbor and the other was deployed near Molokini. The devices will be retrieved soon and sent to NOAA-ONMS HQ for analysis. Staff from NOAA HQ, the Maui Sanctuary Office and State DLNR-DAR all worked together in the planning and deployment of the SPMD's. The entire operation was reviewed and approved by the Management Committee of the Hawai'i Coral Reef Initiative Research Program. Depending on the results of this initial deployment, NOAA-ONMS has expressed a willingness to continue to provide the devices and conduct the analyses. DLNR greatly appreciates NOAA's commitment of resources and willingness to coordinate so effectively with State management agencies on this potentially very informative water quality monitoring effort. On a related note, Professor Ed Laws is continuing to successfully implement the Total Maximum Daily Load (TMDL) project for South Maui waters (discussed at the August 2000 SAC meeting) using NOAA funds administered by the State (DLNR and DOH).

Other Activities

- Accompanied Naomi McIntosh on December 19, 2000, during a meeting with the staff of several of Hawai'i's Congressional Delegation. We briefed them on various Sanctuary-related issues, especially the up-coming 5-year management plan review and revision.
- 10) Participated in meetings and conference calls with federal Sanctuary staff in preparation for Research Coordinators' meeting scheduled for January 29 through February 1, 2001, at NOAA HQ.
- 11) Participated in several internal meetings and attended public hearing on December 11, 2001, regarding the proposed Northwestern Hawaiian Islands (NWHI) Coral Reef Ecosystem Reserve, which is to be designated as a National Marine Sanctuary (Governor's initial comments attached FYI).
- 12) Joined an overflight of NWHI in U.S. Coast Guard C-130 with various management agency representatives including Cdr. Craig McLean, Deputy Chief of NMSS.
- 13) Attended semi-annual "all-hands" Sanctuary staff meeting on Maui, January 3, 2001.

- 14) Attended meeting on Maui on February 8, 2001 with Federal staff, and SAC subcommittee chairs and officers regarding management plan review and revision process.
- 15) Attended first meeting of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council on February 16, 2001.

cc: Gilbert S. Coloma-Agaran, DLNR Chairperson
William S. Devick, DLNR-DAR Administrator

ATTACHMENT 4

Hawaiian Islands Humpback Whale National Marine Sanctuary Conservation Subcommittee Report

6 March 2001

Prepared by Eric Gilman, National Audubon Society

The Conservation Subcommittee met on 13 December 2000 and 20 February 2001.

ITEMS FOR SAC ACTION AND DISCUSSION

- 1. High-Speed Ferry:** A high-speed ferry service is planned to service Honolulu - Kaunakakai, Molokai - Maalaea, Maui within the next six months, and poses a threat to humpback whales due to potential collisions. The subcommittee requests that the SAC discuss this issue and consider taking requisite action. Alternative mitigation measures include designating routes to avoid areas of high densities of whales; requiring speed limits (such as 10 to 15 knots) during whale season; and limiting ferry service to daylight hours during the whale season. Subcommittee members volunteered to research measures taken in other regions to avoid and minimize collisions between high-speed ferries and whales. Naomi has asked for additional information on the planned Hawaii ferry service from Glen Soma, who works for the Hawaii Department of Transportation and is a SAC member. The SAC can consider convening a workshop on collisions between ships and whales, with representation of relevant interest groups, to address the risk of collisions from the high-speed ferry and the threat to whales from other watercraft.
- 2. CO₂ Sequestration:** A Final Environmental Assessment for the proposed Ocean Sequestration of CO₂ Field Experiment was originally due to be released in February but has been delayed. Naomi has requested that a representative of the proposed activity provide the SAC with a status report on the proposed activity. The subcommittee has prepared a draft Resolution (thank you Isaac Harp) for the SAC's consideration stating opposition to the proposed activity in state or federal waters around Hawaii as a warranted precautionary measure due to potential unknown

significant adverse environmental impacts. The subcommittee also requests that the SAC consider issuing a press release stating opposition to the proposed experiment.

3. **Resolution to Support Designation of NWHI Coral Reef Ecosystem Reserve:** At the Conservation Subcommittee meeting held on 13 December 2000, the subcommittee agreed to request that the SAC approve adoption of a Resolution to express the SAC's support for the President's designation of the new Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The Sanctuary Managers expressed support for the proposed Resolution. The subcommittee prepared a draft Resolution (thank you Greg Kaufman) for SAC consideration.
4. **Rules on Watercraft Use in the Sanctuary:** At the two Conservation Subcommittee meetings, we discussed the status of Hawaii State regulations governing the operation of watercraft in Sanctuary waters. We reviewed the Hawaii Administrative Rule that prohibits the use of watercraft in designated waters off of a portion of Maui in Sanctuary waters during the whale season (HAR §13-256-112) and acknowledged that there may be additional restrictions on watercraft use in state Ocean Recreation Management Areas. Concern was raised regarding the recent activity of jet skis towing surfers out on the windward side of Maui. The subcommittee requests that the SAC discuss this issue further to determine if action is needed.
5. **Navy Disposal of Unexploded Ordnance:** The recent ordnance detonation on Kaho'olawe by the U.S. Navy raised discussion by the subcommittee regarding the threat of ordnance disposal operations to whales. Some subcommittee members expressed concern that there is an unknown adverse impact on whales from the detonation of ordnance on land, and the detonation of submerged unexploded ordnance is likely to adversely affect whales. The subcommittee requests the SAC to discuss whether there are adequate rules in place governing military disposal of unexploded ordnance and if SAC action is warranted.
6. **Historical Abundance of Humpback Whales:** The subcommittee identified the need to assess the historical population of humpback whales as a priority research need for recovery planning, and requests that the SAC conduct additional discussion. The Recovery Plan identifies this as an information gap as well, stating that the Plan cannot identify specific target population sizes at which a downlisting of the species could be considered because neither pre-commercial whaling historical abundance nor current environmental carrying capacity have yet to be estimated sufficiently. The subcommittee also believes that current population estimates may be underestimates.

UPDATES

1. **Sanctuary Regulations Review:** At the Conservation Subcommittee meeting held on 13 December 2000, the Sanctuary Co-Managers agreed to approved having the subcommittee review and if necessary, recommend improvements to the Sanctuary's regulations as part of the Management Plan review process. At the February subcommittee meeting, Jeff distributed relevant portions of federal and state regulations for the Sanctuary. Naomi requested the subcommittee's recommendations by the end of April.
2. **Threat Assessment:** To assist with the regulations review, the Conservation Subcommittee decided to compile a list of prioritized threats to humpback whales and their habitat.
3. **Japanese Whaling:** The subcommittee discussed Japanese whaling activities and agreed to periodically brief the SAC on this issue. The Japanese Fisheries Agency conducts a whaling program, which they assert is scientific research permitted by the International Whaling Commission (IWC). However, the IWC itself, as well as 15 countries and numerous conservation and animal welfare groups have formally condemned the whaling activities. The Japan research program has been reported to kill 440 minke whales annually in the Antarctic, and in September killed 100 minke whales, 5 sperm whales, and 43 Bryde's whales in the North Pacific Ocean. Lou Herman of the subcommittee informed the members that there is a recent article in *Science* documenting the sale of humpback whale meat in Japan. The U.S. has considered imposing trade sanctions on Japan. I have requested more detailed information from the US Department of State.
4. **Oil Spill Contingency Planning:** At the November 2000 SAC meeting, the SAC agreed to have the Conservation Subcommittee investigate the threat to whales from oil spills, assess the adequacy of the Hawaii Area Plan (Oil Spill Contingency Plan) to prepare for the threat to whales from oil spills, and provide recommendations to the SAC and Sanctuary managers regarding needed changes to the Area Plan. The subcommittee conducted a literature search and prepared an annotated bibliography for the first phase of the project. The subcommittee will include an assessment of the threat to humpback whales from oil spills as part of our broader threat assessment initiative, and plans to conduct an assessment of the adequacy of the Hawaii Area Plan.

The conclusions from the literature review are as follows:

Oil spills pose a threat to humpback whales in Hawaiian waters.

Short-term effects of oil spills in Hawaii waters on humpback whales may include: displacement from breeding areas due to the avoidance of aromatic hydrocarbons and surface oil, and human disturbance; increased mortality

rates from ingestion of oil or inhalation of toxic volatile gases; increased petroleum compounds in tissue; impaired health (such as immunosuppression); mucous membrane damage and damage to airways from direct contact with oil from inhalation or ingestion; and reproductive failure from direct contact with oil through inhalation or ingestion. Long-term effects may include: change in distribution and abundance due to reduced prey or increased mortality; change in age structure because certain year-classes were impacted more by the oil spill; decreased reproductive rate; and increased rate of disease or neurological problems from exposure to oil. Humpback whales, while they may be able to detect oil slicks, have not been observed to evade oiled waters.

Lessons learned from the impacts on cetaceans from previous spills, most of which comes from qualitative or anecdotal information, with most observations coming from the 1989 Exxon Valdez oil spill in Prince William Sound, warrants suitable planning by oil and shipping companies and government regulators to avoid and minimize the likelihood of oil spills; appropriate sensitivity mapping to prioritize oil spill response activities in critical humpback whale habitat; the sensitivity of response crews to the impacts of cleanup response activities in Hawaiian waters; the availability of personnel trained to conduct rehabilitation of oiled humpback whales; and the availability of requisite equipment to perform oiled humpback whale rehabilitation.